

Issued October 18, 1911.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1117.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF CONDENSED MILK.

On December 12, 1910, the United States Attorney for the Northern District of Illinois, acting upon the report by the Secretary of Agriculture, filed information in the District Court of the United States for said district against Libby, McNeill & Libby, a corporation of Morrison, Ill., alleging shipments by it, in violation of the Food and Drugs Act, on June 2, 1910, from the State of Illinois into the State of Louisiana, of a quantity of condensed milk, which was misbranded. The products were labeled: (Sample I. S. No. 2428-c) "Rubric Brand Condensed Milk. Emery Food Co., Chicago, U. S. A. * * * Net weight 15 ounces. Rubric Brand Condensed Milk Packed at Morrison, Illinois." (Sample I. S. 2429-c): "Libby's Condensed Milk. Libby, McNeill & Libby Chicago, U. S. A. Net weight 15 ounces * * *."

Examinations of samples of said products made by the Bureau of Chemistry of this Department showed sample I. S. 2428-c, consisting of 18 cans of Rubric Brand Condensed Milk, to have an average shortage in weight of 3.25 per cent, while sample I. S. 2429-c, consisting of 18 cans of Libby's Condensed Milk, showed an average short weight of 3.6 per cent. Misbranding was alleged for the reason that the labels represented the product to have a net weight of 15 ounces when in fact they were short in weight, and the statements on the label were therefore false and misleading.

On December 14, 1910, the defendant entered a plea of nolo contendere, and the matter was taken under advisement by the court. On June 23, 1911, the court fined defendant \$50.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., September 15, 1911.